1	COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND								
2									
3	2014 Legislative Session								
4	Legislative Day #								
5									
6	BILL NO. <u>2014-02</u>								
7									
8	Introduced by: Charles County Commissioners								
9									
10									
11	SOLAR ENERGY AND WIND ENERGY SYSTEMS								
12									
13									
14									
15									
16									
17 18	Date introduced: <u>04</u> / <u>01</u> / <u>2014</u>								
19	Public Hearing: <u>05</u> / <u>06</u> / <u>2014</u> @ 6:30 p.m.								
20									
21	Commissioners Action://								
22									
23	Commissioner Votes: CQK:, RC:, KR:, DD:, BR:								
24									
25	Pass/Fail:								
26									
27	Effective Date://								
28									
29									
30	Remarks:								
31									

1	COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND
2	
3	
4	2014 Legislative Session
5	
6	Bill No2014-02
7	Chapter. No. <u>297</u>
8	Introduced by Charles County Planning Division
9	Date of Introduction April 1, 2014
10	
11	BILL
12	AN ACT concerning
13	SOLAR ENERGY AND WIND ENERGY SYSTEMS
14	
15	FOR the purpose of
16	Recognizing the future use of Solar Energy Systems and Wind Energy Systems.
17	
18	BY Adding:
19	Chapter 297 – ZONING ORDINANCE
20	Article III, §297-49(E).
21	Code of Charles County, Maryland
22	(2013 Edition)
23	
24	Chapter 297 – ZONING ORDINANCE
25	Article IV, § 63, Figure IV-1- Table of Permissible Uses.
26	Code of Charles County, Maryland
27	(2013 Edition)
28	
29	Chapter 297 – ZONING ORDINANCE
30	Article IX, § 128 – Definitions of terms applicable to Critical Area Zone.
31	Code of Charles County, Maryland
32	(2013 Edition)
33	

1	Chapter 297 – ZONING ORDINANCE
2	Article IX, § 131 – Critical Area Buffer Regulations.
3	Code of Charles County, Maryland
4	(2013 Edition)
5	
6	Chapter 297 – ZONING ORDINANCE
7	Article XIII, § 211, Alphabetical listing.
8	Code of Charles County, Maryland
9	(2013 Edition)
10	
11	Chapter 297 – ZONING ORDINANCE
12	Article XIII, § 212 – Uses corresponding with Table of Permissible Uses.
13	Code of Charles County, Maryland
14	(2013 Edition)
15	
16	SECTION 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF
17	CHARLES COUNTY, MARYLAND, that the Laws of Charles County, Maryland read as
18	follows:
19	Chapter 297. ZONING ORDINANCE
20	Article III: Definitions and Interpretations
21	Section 297-49. Word usage; definitions.
22	E. Definitions.
23	* * * * * * * * * * *
24	PHOTOVOLTAICS THE FIELD OF TECHNOLOGY AND RESEARCH RELATED TO THE
25	APPLICATION OF SOLAR CELLS FOR ENERGY BY CONVERTING THE SUN'S ENERGY
26	DIRECTLY INTO ELECTRICITY.
27	
28	PHOTOVOLTAIC SOLAR CELLS SPECIALIZED SEMI-CONDUCTOR MATERIALS
29	THAT ABSORB SUNLIGHT AND CONVERTS IT INTO ELECTRICITY THROUGH A
30	PROCESS KNOWN AS THE PHOTOELECTRIC EFFECT. INTER-CONNECTED
31	ASSEMBLIES OR LAYERS OF THESE SOLAR CELLS ARE INTEGRAL COMPONENTS IN
32	CERTAIN TYPES OF SOLAR ENERGY SYSTEMS, WHICH FORM SOLAR MODULES,

1	SOLAR PANELS, SOLAR ARRAYS, SOLAR SHINGLES, SOLAR TILES AND THIN-FILM	S
2	AMONG OTHERS.	
3		
4	* * * * * * * * * * * *	
5		
6	ROTOR DIAMETER — THE CROSS SECTIONAL DIMENSION OF THE CIRCLE SWE	PT
7	BY THE ROTATING BLADES.	
8		
9	* * * * * * * * * * * *	
10		
11	SOLAR ENERGY SYSTEM A SOLAR COLLECTION SYSTEM WHICH RELIES UP	ON
12	SUNLIGHT AS AN ENERGY SOURCE FOR ELECTRICITY GENERATION, SPACE	
13	HEATING, SPACE COOLING, OR WATER HEATING.	
14		
15	SOLAR ENERGY SYSTEM, GRID, CONNECTED A SOLAR COLLECTION SYSTEM	1
16	THAT GENERATES ELECTRICITY FROM SUNLIGHT AND IS INTERCONNECTED	
17	WITH AN ELECTRIC UTILITY POWER GRID. THE SYSTEM MAY RECEIVE BACK-	UP
18	POWER FROM A LOCAL UTILITY POWER GRID WHEN THE SYSTEM IS NOT	
19	PRODUCING ENOUGH POWER TO MEET DEMAND AND MAY INCLUDE OPTIONA	١L
20	BATTERY STORAGE EQUIPMENT TO PROVIDE INDIVIDUALS BACK-UP POWER	
21	DURING UTILITY RELATED OUTAGES. WHEN THE SYSTEM GENERATES EXCES	S
22	POWER IT MAY BE RE-DISTRIBUTED ONTO THE POWER GRID FOR OTHER	
23	CUSTOMERS TO UTILIZE, IN ACCORDANCE WITH CURRENT STATE NET-	
24	METERING LAWS.	
25		
26	SOLAR ENERGY SYSTEM, GROUND MOUNTED A SOLAR COLLECTION SYSTE	M
27	THAT IS INSTALLED UPON A POLE, RACK OR SUITABLE FOUNDATION, ON THE	,
28	SUBJECT PROPERTY.	
29		
30	SOLAR ENERGY SYSTEM, LARGE- – A SOLAR COLLECTION SYSTEM THAT	
31	GENERATES ELECTRICITY FROM SUNLIGHT, TO BE SOLD-FOR-PROFIT TO A	
32	WHOLESALE ELECTRICITY MARKET THROUGH A REGIONAL TRANSMISSION	
33	ORGANIZATION AND AN INTER-CONNECTION WITH THE LOCAL UTILITY POW	ER

1	GRID AND/OR FOR DIRECT DISTRIBUTION TO A NUMBER OF PROPERTIES AND	
2	CONSUMERS.	
3	SOLAR ENERGY SYSTEM OFE CRID / STAND ALONE - A SOLAR COLLECTION	
4	SOLAR ENERGY SYSTEM, OFF-GRID / STAND ALONE — A SOLAR COLLECTION	
5	SYSTEM THAT IS TYPICALLY UTILIZED WHEN A PUBLIC UTILITY POWER SOURCE	
6	NOT AVAILABLE OR IS NOT COST EFFECTIVE TO CONNECT TO. THIS TYPE OF SOL	ιAR
7	ENERGY SYSTEM MAY INCLUDE BATTERIES OR SOME OTHER FORM OF POWER	
8	STORAGE AND/OR A FUELED GENERATOR FOR SUPPLEMENTAL SHORT TERM	
9	SUPPORT OR SHAVING PEAK LOADS. THIS SYSTEM IS GENERALLY UTILIZED TO	7.0
10	PROVIDE ENERGY TO REMOTE LOCATIONS WHERE POWER IS REQUIRED FOR USE	
11	SUCH AS ELECTRICITY GENERATION, SPACE HEATING, SPACE COOLING, OR WAT	ER
12	HEATING.	
13		
14	SOLAR ENERGY SYSTEM, OWNER THE INDIVIDUAL(S) OR ENTITY THAT OWNS	•
15	OR INTENDS TO OWN, THE PROPERTY UPON WHICH THE SOLAR ENERGY SYSTEM	
16	WILL BE OPERATED IN ACCORDANCE WITH THIS CHAPTER. THE OWNER COULD	BE
17	MULTIPLE PARTIES IN THE CASE OF A POWER PURCHASE AGREEMENT.	
18		
19	SOLAR ENERGY SYSTEM, ROOF-MOUNTED A SOLAR COLLECTION SYSTEM TH	IAT
20	IS INSTALLED UPON OR IS PART OF THE ROOF OF A BUILDING OR STRUCTURE	
21	LOCATED ON THE SUBJECT PROPERTY. SYSTEMS INTEGRATED AS AWNINGS OR	
22	ATTACHED TO THE ROOFS OF PORCHES, SHEDS, CARPORTS AND COVERED PARK	ING
23	STRUCTURES ALSO FALL UNDER THIS DISTINCTION.	
24		
25	SOLAR ENERGY SYSTEM, SMALL A SOLAR COLLECTION SYSTEM THAT	
26	GENERATES ENERGY FROM SUNLIGHT FOR DIRECT CONSUMPTION ON THE	
27	SUBJECT PROPERTY AND/OR FOR INTER-CONNECTION TO THE ELECTRIC UTIL	_ITY
28	POWER GRID TO OFF-SET ENERGY USE ON THE SUBJECT PROPERTY, IN	
29	ACCORDANCE WITH CURRENT STATE NET-METERING LAWS.	
30		
31	* * * * * * * * * * * *	
32		
33	WIND ENERGY SYSTEM THE EQUIPMENT THAT CONVERTS AND THEN STOR	ES
34	OR TRANSFERS ENERGY FROM THE WIND INTO USABLE FORMS OF ENERGY. Asterisks *** mean intervening code language remaining unchanged NOTE: CAPITALS indicate language added to existing law. [Brackets] indicate language deleted from existing law.	

1	THIS EQUIPMENT INCLUDES ANY BASE, BLADE, FOUNDATION, GENERATOR,
2	NACELLE, ROTOR, TOWER, TRANSFORMER, VANE, WIRE, INVERTER, BATTERIES,
3	GUY WIRE OR OTHER COMPONENT USED IN THE SYSTEM.
4	
5	WIND ENERGY SYSTEM, LARGE ONE OR MORE PRINCIPAL OR ACCESSORY
6	DEVICES AND ESSENTIAL SUPPORTING STRUCTURES SPECIFICALLY DESIGNED
7	TO CONVERT KINETIC WIND ENERGY TO ELECTRIC POWER, TO BE USED FOR
8	DIRECT CONSUMPTION ON THE SUBJECT PROPERTY, INTER-CONNECTION TO
9	THE ELECTRIC UTILITY POWER GRID TO OFF-SET ENERGY USE ON THE SUBJECT
10	PROPERTY, SOLD-FOR-PROFIT TO A WHOLESALE ELECTRICITY MARKET
11	THROUGH A REGIONAL TRANSMISSION ORGANIZATION AND AN INTER-
12	CONNECTION WITH THE LOCAL UTILITY POWER GRID AND/OR FOR DIRECT
13	DISTRIBUTION TO A NUMBER OF PROPERTIES AND CONSUMERS.
14	
15	WIND ENERGY SYSTEM, OWNER — THE INDIVIDUAL(S) OR ENTITY THAT OWNS,
16	OR INTENDS TO OWN, THE PROPERTY UPON WHICH THE WIND ENERGY SYSTEM
17	WILL BE OPERATED IN ACCORDANCE WITH THIS CHAPTER.
18	
19	WIND ENERGY SYSTEM, SMALL A SINGLE-TOWERED WIND ENERGY
20	CONVERSION SYSTEM THAT IS USED TO GENERATE ELECTRICITY; HAS A RATED
21	CAPACITY OF 15 KILOWATTS OR LESS FOR GROUND-MOUNTED SYSTEMS AND 2
22	KILOWATTS OR LESS FOR ROOF-MOUNTED SYSTEMS; AND, HAS A TOTAL HEIGHT
23	OF FIFTY (50) FEET OR LESS FOR GROUND-MOUNTED SYSTEMS AND FIFTEEN (15)
24	FEET IN HEIGHT ABOVE THE BASE OF THE MOUNTED WIND ENERGY STRUCTURE
25	FOR ROOF-MOUNTED SYSTEMS.
26	
27	WIND ENERGY SYSTEM, TOTAL HEIGHT — THE HEIGHT AS MEASURED FROM THE
28	LOWEST POINT ALONG THE BASE TO THE HIGHEST POINT OF THE SUPPORT
29	TOWER, THE TOP OF THE TURBINE DEVICE, OR THE AREA SWEPT BY THE ROTOR
30	BLADES, WHICHEVER IS GREATEST.
31	
32	WIND GENERATOR THE BLADES AND ASSOCIATED MECHANICAL AND
33	ELECTRICAL CONVERSION COMPONENTS MOUNTED ON TOP OF A WIND TOWER.

1	WIND ENE	RGY SY	YSTEN	A TOW	ER A	MONO	OPOLE,	, LATT	ICE, OF	R GUY	ED	
2	STRUCTUR	RE THA	T SUP	PORTS	S A WI	ND GEN	NERAT	OR.				
3												
4				C	Chapter	297. ZC	ONING	ORDIN	ANCE			
5	Article IV: Permissible Uses											
6	Section 297-63. Table of Permissible Uses.											
7	FIGURE IV-1, THE TABLE OF PERMISSIBLE USES, IS INCLUDED AS AN											
8	ATTACHMI	ENT TO	THIS	CHAP	ΓER.							
9												
10				Chap	ter 297	. ZONII	NG OR	DINAN	CE			
11			4	Article l	X: Crit	ical Area	a Zone (Overlay	Zone)			
12	Section 297-	128. D	efinitio	ons of te	erms app	plicable	to Criti	cal Area	a Zone.			
13	* *	*	*	*	*	*	*	*	*	*	*	*
14	NONWATE	R-DEPE	NDEN	T PROJ	ECT—	A TEM	PORAR	Y OR P	ERMAI	NENT S	STRUCT	ΓURE
15	THAT, BY F	REASON	OF I	ΓS INTF	RINSIC	NATUF	RE, USE	E, OR O	PERAT	ION, D	OES NO	TC
16	REQUIRE L	OCATIO	ON IN,	ON, Ol	R OVE	R STAT	E OR PI	RIVATE	E WETL	ANDS		
17	A NONWAT	ER-DE	PENDI	ENT PR	OJECT	INCLU	DES:					
18	A.	A DV	VELLI	NG UN	IT ON A	A PIER;						
19	B.	A RE	STAU	RANT,	A SHO	P, AN C	FFICE,	OR AN	Y OTH	ER CO	MMERO	CIAL
20		BUIL	DING	OR US	E ON A	PIER;						
21	C.	A TE	MPOR	ARY O	R PERN	MANEN	T ROO	FOR C	OVERI	NG ON	A PIER	ļ.,
22	D.	A PIE	ER USI	ED TO S	SUPPOI	RT A NO	CAWNO	ΓER-DE	PENDE	ENT US	E; AND),
23	E.	A SM	IALL-S	SCALE	RENEV	VABLE	ENERO	GY SYS	TEM O	N A PII	ΞR,	
24		INCL	UDIN	G:								
25		(1)	A SO	OLAR E	NERG'	Y SYST	EM AN	D ITS F	OTOH	VOLTA	IC CEL	LS,
26			SOL	AR PA	NELS, O	OR OTH	IER NE	CESSA]	RY EQU	JIPMEI	NT;	
27		(2)	A G	EOTHE	RMAL	ENERC	SY SYS	TEM A	ND ITS	GEOTI	HERMA	L
28			HEA	AT EXC	HANGI	ER OR (OTHER	NECES	SARY	EQUIP	MENT;	AND
29		(3)	A W	IND EN	NERGY	SYSTE	M AND	ITS W	IND TU	RBINE	E, TOWI	ER,
30			BAS	SE OR C	THER	NECES	SARY E	EQUIPM	IENT.			
31	A NONWAT	ER-DE	PENDI	ENT PR	OJECT	EXCLU	JDES:					
32	(1)	A FU	EL PU	MP OR	OTHE	R FUEL	DISPE	NSING	EQUIP	MENT	ON A	
33		PIER	·									

1		(2)	ASA	NITAF	RY SEW	VAGE P	PUMP C	R OTH	ER WA	STEWA	ATER		
2			REM	IOVAL	EQUIP	MENT	ON A F	PIER; Ol	R				
3		(3)	AN (OFFICE	ON A	PIER F	OR MA	NAGIN	G MAR	INA O	PERATI	IONS,	
4			INCI	LUDIN	G MON	ITORIN	NG VES	SEL TR	RAFFIC	, REGIS	STERIN	G	
5			VES	SELS, I	PROVII	DING D	OCKIN	G SERV	VICES,	AND, F	IOUSIN	ΙG	
6			ELE	CTRICA	AL OR	EMERO	GENCY	EQUIP:	MENT	RELAT	ED TO		
7			MAF	RINA O	PERAT	TIONS.							
8													
9	*	*	*	*	*	*	*	*	*	*	*	*	*
10													
11	PIEF	R—ANY	PIER,	WHAR	F, DOC	CK, WA	LKWA	Y, BUL	KHEAD	, BREA	KWAT	ER, PII	LES, OR
12	OTH	HER SIM	IILAR S	STRUC'	TURE.	DOES	NOT IN	ICLUDI	E STR U	CTURE	ES ON P	'ILING	S OR
13	STII	LTS LAI	NDWAI	RD OF	STATE	OR PR	IVATE	WETLA	ANDS.				
14													
15					Chap	oter 297	. ZONI	NG OR	DINAN	ICE			
16				1	Article 1	IX: Crit	ical Are	a Zone (Overlay	Zone)			
17	Sect	ion 297-	-131. C	ritical A	Area Bu	ıffer reg	gulation	S.					
18	*	*	*	*	*	*	*	*	*	*	*	*	*
19	C.	Buffe	er devel	opment	standar	ds.							
20	*	*	*	*	*	*	*	*	*	*	*	*	*
21		(H)	NON	WATE	R-DEP	ENDEN	T PRO	JECTS I	LOCAT	ED ON	STATE	OR PR	RIVATE
22			WET	CLAND	S WITH	HIN TH	E CRIT	ICAL A	REA.				
23			(1)	A No	ONWA'	TER-DI	EPEND	ENT PR	OJECT	LOCA	TED ON	√ STAT	E OR
24				PRIV	VATE V	VETLA	ND WI	THIN T	HE CRI	TICAL	AREA 1	MAY B	E
25				PER	MITTE	D IF TI	IE PRO	JECT:					
26				(A)	INV	OLVES	A CON	MERC	IAL AC	CTIVIT	Ү ТНАТ	ΓIS	
27				PER	MITTE	D AS A	SECO	NDARY	OR AC	CCESSO	ORY US	E TO A	\
28				PER	MITTE	D PRIN	ICIPAL	COMM	ERCIA	L USE;			
29				(B)	IS N	OT LO	CATED	ON A I	PIER A	ГТАСН	ED TO	A	
30				RES	IDENT	IALLY,	INSTI	TUTION	NALLY,	OR IN	DUSTR	IALLY	
31				USE	D PRO	PERTY	;						
32				(C)	IS L	OCATE	ED IN:						
33					(I)	AN	INTEN	SE DEV	ELOPM	IENT Z	ONE;		
34					(Π)	AN	AREAI	EXCLU	DED FI	OM TI	HE CRI	TICAL	AREA.

1			(D)	OBT.	AINS ALL APPLICABLE STATE AND LOCAL PERMITS;
2			(E)	ALL	OWS OR ENHANCES PUBLIC ACCESS TO STATE
3				WET	LANDS, IF APPLICABLE;
4			(F)	DOE	S NOT EXPAND BEYOND THE LENGTH, WIDTH, OR
5				СНА	NNELWARD ENCROACHMENT OF THE PIER ON
6				WHI	CH THE PROJECT IS CONSTRUCTED;
7			(G)	HAS	A HEIGHT OF UP TO 18 FEET UNLESS THE PROJECT
8				IS LO	OCATED AT A MARINA; AND
9			(H)	IS UI	P TO 1,000 SQUARE FEET IN TOTAL AREA; OR
10				(I)	IS LOCATED ON A PIER THAT WAS IN EXISTENCE
11					ON OR BEFORE DECEMBER 31, 2012;
12				(II)	SATISFIES ALL OF THE REQUIREMENTS OF (A) –
13					(G) ABOVE; AND
14				(III)	IF APPLICABLE, HAS A TEMPORARY OR
15					PERMANENT ROOF OR COVERING THAT IS UP TO
16					1,000 SQUARE FEET IN TOTAL AREA
17	(2)	A SM	IALL-SO	CALE I	RENEWABLE ENERGY SYSTEM ON A PIER
18		LOCA	ATED C	N STA	TE OR PRIVATE WETLANDS MAY PERMITTED
19		IF TH	IE PROJ	JECT:	
20		(A)	INVC	LVES	THE INSTALLATION OR PLACEMENT OF A
21				SMA	LL-SCALE RENEWABLE ENERGY SYSTEM THAT IS
22				PER	MITTED AS A SECONDARY OR ACCESSORY USE ON A
23				PIER	THAT IS AUTHORIZED UNDER TITLE 16 OF THE
24				ENV	IRONMENT ARTICLE OF THE ANNOTATED CODE OF
25				MAR	YLAND; AND
26		(B)	OBTA	AINS A	LL APPLICABLE STATE AND LOCAL PERMITS.
27			A PEI	RMIT N	MAY INCLUDE THE PLACEMENT OF:
28			(I)	A SC	LAR ENERGY SYSTEM ATTACHED TO A PIER
29				IF TH	HE DEVICE OR EQUIPMENT ASSOCIATED
30			WITH	THAT	SYSTEM DOES NOT EXTEND MORE
31			THAI	N:	
32				(A)	FOUR (4) FEET ABOVE OR 18 INCHES
33					RELOW THE DECK OF THE PIER: OR

1		(B)	ONE (1) FOOT BEYOND THE LENGTH OR
2			WIDTH OF THE PIER.
3	(II)	A SO	LAR ENERGY SYSTEM ATTACHED TO A
4		PILIN	IG IF THERE IS ONLY ONE SOLAR PANEL PER
5		BOAT	Γ SLIP;
6	(III)	A SO	LAR ENERGY SYSTEM ATTACHED TO A
7		BOAT	THOUSE ROOF IF THE DEVICE OR
8		EQUI	PMENT ASSOCIATED WITH THAT SYSTEM
9		DOES	S NOT EXTEND BEYOND THE LENGTH,
10		WIDT	TH, OR HEIGHT OF THE BOATHOUSE ROOF;
11	(IV)	A CL	OSED-LOOP GEOTHERMAL HEAT
12		EXCH	HANGER UNDER A PIER IF THE GEOTHERMAL
13		HEAT	Γ EXCHANGER OR ANY ASSOCIATED DEVICES
14		OR E	QUIPMENT DO NOT:
15		(A)	EXTEND BEYOND THE LENGTH, WIDTH, OR
16			CHANNELWARD ENCROACHMENT OF THE
17			PIER;
18		(B)	NEGATIVELY ALTER LONG SHORE DRIFT;
19		(C)	CAUSE SIGNIFICANT INDIVIDUAL OR
20			CUMULATIVE THERMAL IMPACTS TO
21			AQUATIC RESOURCES; OR
22	(V)	A WI	ND ENERGY SYSTEM ATTACHED TO A PIER IF
23		THER	RE IS ONLY ONE WIND ENERGY SYSTEM PER
24		PIER	FOR WHICH:
25		(A)	THE HEIGHT FROM THE DECK OF THE PIER
26			TO THE BLADE EXTENDED AT ITS HIGHEST
27			POINT IS UP TO 12 FEET;
28		(B)	THE ROTOR DIAMETER OF THE WIND
29			TURBINE IS UP TO FOUR (4) FEET; AND
30		(C)	THE SETBACKS OF THE WIND ENERGY
31			SYSTEM FROM THE NEAREST PROPERTY
32			LINE AND FROM THE CHANNEL WARD EDGE
33			OF THE PIER TO WHICH THAT SYSTEM IS
34			ATTACHED ARE AT LEAST 1.5 TIMES THE

1	TOTAL HEIGHT OF THE SYSTEM FROM ITS											
2	BASE TO THE BLADE EXTENDED AT ITS											
3	HIGHEST POINT.											
4												
5	Chapter 297. ZONING ORDINANCE											
6	Article XIII: Minimum Standards for Special Exceptions and Uses Permitted with Conditions											
7	Section 297-211. Alphabetical listings.											
8	* * * * * * * * * * * *											
9	Slaughterhouses 1.01.460											
10	SOLAR ENERGY SYSTEM, LARGE 7.07.200											
11	SOLAR ENERGY SYSTEM, SMALL 7.07.100											
12	Specialty shops, more than 15,000 square feet or floor area per parcel 6.01.122											
13	Stables, commercial 1.01.500											
14	Stadiums and coliseums with seating capacity more than 1,000 4.02.123											
15	Storage, outside, where stored equipment is owned and used by the person making											
16 17	use of the lot and storage occupies more than 75% of the developed area 7.02.300 Storage, petroleum products 7.02.240											
18	Storage, warehouse 7.02.220											
19	Storage, warehouse, mini- 7.02.230											
20	Stump/wood grinding 7.01.290											
21	Surface mining 7.05.100											
22	Theaters, open-air amphitheaters 4.02.260											
23	Towers more than 50 feet tall 4.06.300											
24	Union halls, meeting halls 4.01.400											
25 26	Utilities, public: electric power, gas transmission and tele-communications buildings and structures, not associated with a tower 4.06.200											
27	Utilities, public: towers and antennas more than 50 feet tall 4.06.300											
28	WIND ENERGY SYSTEM, LARGE 7.07.400											
29	WIND ENERGY SYSTEM, SMALL 7.07.300											
30												
31	Chapter 297. ZONING ORDINANCE											
32	Article XIII: Minimum Standards for Special Exceptions and Uses Permitted with Conditions											

1	Section 297	-212. Uses cor	responding wi	th Table of Pe	ermissible	e Uses.			
2	* *	* *	* *	* *	*	*	*	*	*
3	(129) 7.07	.000 ALTERN	ATIVE ENER	GY SYSTEM	AS				
4									
5	(130) 7.07	.100 SOLAR E	ENERGY SYS	TEM, SMAL	L				
6	A SMALL	SOLAR ENER	GY SYSTEM	SHALL BE	PERMIT	TED WI	TH CO	NDITIC	NS IN
7	ALL ZONE	S, AS AN AC	CESSORY US	E TO A RES	IDENTIA	ALLY O	R COM	MERC:	IALLY
8	DEVELOP	ED PROPERT	Y, PROVIDED	THAT THE	E FOLLO	WING R	EQUIR	REMEN	TS ARE
9	MET:								
10	A.	ENERGY.	THE ENERG'	Y GENERAT	TED BY	ГНЕ SM	ALL SO	OLAR E	ENERGY
11		SYSTEM S	HALL BE US	ED FOR DIR	RECT CO	NSUMP	TION (ON THE	Ξ
12		SUBJECT I	PROPERTY A	ND/OR FOR	INTER-	CONNE	CTION	TO TH	ΙE
13		ELECTRIC	UTILITY PO	WER GRID	TO OFF-	SET EN	ERGY	USE O	N THE
14		SUBJECT I	PROPERTY, I	N ACCORDA	ANCE W	TTH CU	RRENT	STAT	E NET-
15		METERINO	G LAWS.						
16	B.	THE CONS	TRUCTION (OF THE SMA	ALL SOL	AR ENE	ERGY S	YSTEM	Л
17		SHALL BE	IN ACCORD	ANCE WITH	I AN AP	PROVEI	D BUIL	DING	
18		PERMIT A	PPLICATION	. IF THE SM	IALL SO	LAR EN	ERGY	SYSTE	EM IS TO
19		BE INTER-	CONNECTE	O TO THE LO	OCAL U	FILITY 1	POWEF	R GRID	, A
20		COPY OF T	THE CONDIT	IONAL APPI	ROVAL	FROM T	THE LO	CAL U	TILITY
21		MUST BE	PROVIDED P	RIOR TO OR	R AT THI	ETIME	OF API	LICAT	NOI
22		FOR THE I	REQUIRED B	UILDING PE	ERMIT.				
23									
24	C.		S. GROUND-		-				
25			INSTALLED						
26		•	RED BY THE						
27			/ STAND-ALO						FOR
28			LIGHTING F						
29			MENT, SUCH			S, TRAF	FIC SIG	3NALS	AND
30			Y SIGNAGE A						
31	D.		MOUNTED S						
32		` '	E TOTAL HEI					,	
33		INC	LUDING ANY	Y MOUNTS	SHALL I	NOT EX	CEED 1	10 FEET	Γ

1		ABOVE THE GROUND WHEN ORIENTATED AT MAXIMUM TILT.
2		IF THE SOLAR ENERGY SYSTEM IS INTENDED TO PROVIDE
3		POWER FOR OUTDOOR LIGHTING, THE SYSTEM SHALL NOT
4		EXTEND HIGHER THAN THE PERMITTED HEIGHT OF THE
5		STRUCTURE TO WHICH IT IS ATTACHED AND/OR INTER-
6		CONNECTED TO.
7	(2)	SHALL BE MOUNTED ONTO A POLE, RACK OR SUITABLE
8		FOUNDATION, IN ACCORDANCE WITH MANUFACTURER
9		SPECIFICATIONS, IN ORDER TO ENSURE THE SAFE
10		OPERATION AND STABILITY OF THE SYSTEM. THE MOUNTING
11		STRUCTURE (FIXED OR TRACKING CAPABLE) SHALL BE
12		COMPRISED OF MATERIALS APPROVED BY THE
13		MANUFACTURER, WHICH ARE ABLE TO FULLY SUPPORT THE
14		SYSTEM COMPONENTS AND WITHSTAND ADVERSE WEATHER
15		CONDITIONS. DESIGNS FOR WIND AND SOLAR RACK SYSTEMS
16		MUST BE SIGNED BY A LICENSED PROFESSIONAL ENGINEER,
17		AND POLE AND RACK DESIGNS MUST BE CONSISTENT WITH
18		CURRENT CODE FOR STRUCTURES TO ENSURE COMPLIANCE
19		WITH LOAD PATH, UPLIFT, AND WIND DESIGN
20		REQUIREMENTS.
21	(3)	MULTIPLE MOUNTING STRUCTURES SHALL BE SPACED
22		APART AT THE DISTANCE RECOMMENDED BY THE
23		MANUFACTURER TO ENSURE SAFETY AND MAXIMUM
24		EFFICIENCY.
25	(4)	ANY GLARE GENERATED BY THE SYSTEM MUST BE
26		MITIGATED OR DIRECTED AWAY FROM AN ADJOINING
27		PROPERTY OR ADJACENT ROAD, WHEN IT CREATES A
28		NUISANCE OR SAFETY HAZARD.
29	(5)	IT SHALL BE DEMONSTRATED THAT THE SMALL SOLAR
30		ENERGY SYSTEM SHALL NOT UNREASONABLY INTERFERE
31		WITH THE VIEW OF, OR FROM, SITES OF SIGNIFICANT PUBLIC
32		INTEREST SUCH AS A PUBLIC PARK, A STATE-DESIGNATED
33		SCENIC ROAD, OR HISTORIC RESOURCES.

1		(6)	ANY ELECTRICAL WIRING USED IN THE SYSTEM SHALL BE	
2			UNDERGROUND (TRENCHED) EXCEPT WHERE WIRING IS	
3			BROUGHT TOGETHER FOR INTER-CONNECTION TO	
4			SYSTEM COMPONENTS AND/OR THE LOCAL UTILITY POWER	
5			GRID.	
6		(7)	NO GROUND-MOUNTED SMALL SOLAR ENERGY SYSTEMS	
7			SHALL BE AFFIXED TO A BLOCK WALL OR FENCE.	
8	E.	ROO	F-MOUNTED SMALL SOLAR ENERGY SYSTEMS.	
9		(1)	ROOF-MOUNTED SMALL SOLAR ENERGY SYSTEMS SHALL	
10			INCLUDE INTEGRATED SOLAR SHINGLES, TILES, OR	
11			PANELS AS THE SURFACE LAYER OF THE ROOF STRUCTURE	
12			WITH NO ADDITIONAL APPARENT CHANGE IN RELIEF OR	
13			PROJECTION (THE PREFERRED INSTALLATION), OR	
14			SEPARATE FLUSH OR FRAME-MOUNTED SOLAR PANELS	
15			ATTACHED TO THE ROOF SURFACE.	
16		(2)	SEPARATE FLUSH OR FRAME-MOUNTED SMALL SOLAR	
17			ENERGY SYSTEMS INSTALLED ON THE ROOF OF A	
18			BUILDING OR STRUCTURE SHALL NOT:	
19			(A) PROJECT VERTICALLY ABOVE THE PEAK OF THE	
20			SLOPED ROOF TO WHICH IT IS ATTACHED; OR	
21			(B) PROJECT VERTICALLY MORE THAN FIVE (5) FEET	
22			ABOVE A FLAT ROOF INSTALLATION (DEFINED AS A	
23			ROOF WITH A PITCH OF LESS THAN 1 TO 5	
24			VERTICAL: HORIZONTAL).	
25		(3)	THE COMBINED HEIGHT OF A ROOF-MOUNTED SYSTEM AND)
26			THE PRINCIPAL STRUCTURE TO WHICH IT IS ATTACHED MAY	7
27			NOT EXCEED THE MAXIMUM HEIGHT FOR THE RELATIVE	
28			ZONE, IN WHICH IT IS LOCATED, AS DESCRIBED IN ARTICLE	VI
29		(4)	ACCESS AND EGRESS SHALL BE PROVIDED TO THE ROOF	
30			AND PATHWAYS ON THE ROOF.	
31		(5)	ANY GLARE GENERATED BY THE SYSTEM MUST BE	
32			MITIGATED OR DIRECTED AWAY FROM AN ADJOINING	

1		PROPERTY OR ADJACENT ROAD WHEN IT CREATES A	
2		NUISANCE OR SAFETY HAZARD.	
3	F.	APPEARANCE.	
4		(1) APPEARANCE, COLOR, AND FINISH. THE SMALL SOLAR	
5		ENERGY SYSTEM SHALL REMAIN PAINTED OR FINISHED	
6		WITH THE COLOR OR FINISH WHICH WAS ORIGINALLY	
7		APPLIED BY THE MANUFACTURER, OR COLOR TO MATCH	
8		THE EXTERIOR OF THE HOME ON WHICH THE SOLAR	
9		SYSTEM IS MOUNTED.	
10		(2) ALL SIGNS, OTHER THAN THE MANUFACTURER'S, OR	
11		INSTALLER'S IDENTIFICATION, APPROPRIATE WARNING	
12		SIGNS, OR OWNER IDENTIFICATION ON A SMALL SOLAR	
13		ENERGY SYSTEM SHALL BE PROHIBITED. NOT MORE THAN	
14		TWO (2) MANUFACTURER LABELS BONDED TO OR PAINTED	
15		UPON THE SOLAR ENERGY SYSTEM SHALL BE PERMITTED.	
16	G.	CODE COMPLIANCE. A SMALL SOLAR ENERGY SYSTEM SHALL	
17		COMPLY WITH ALL APPLICABLE CONSTRUCTION AND	
18		ELECTRICAL CODES.	
19	H.	UTILITY NOTIFICATION AND INTER-CONNECTION. SMALL	
20		SOLAR ENERGY SYSTEMS THAT CONNECT TO THE ELECTRIC	
21		UTILITY POWER GRID SHALL COMPLY WITH ALL UTILITY	
22		NOTIFICATION REQUIREMENTS. A COPY OF THE SIGNED	
23		CERTIFICATE OF COMPLETION FROM THE ELECTRIC UTILITY WILL	
24		BE REQUIRED PRIOR TO ISSUANCE OF THE USE AND	
25		OCCUPANCY PERMIT FOR THE SYSTEM.	
26	I.	WHEN BATTERIES ARE INCLUDED AS PART OF THE SMALL SOLAR	
27		ENERGY SYSTEM THEY MUST BE PLACED IN A SECURE CONTAINE	R
28		OR ENCLOSURE, PER MANUFACTURER SPECIFICATIONS, AND MEET	Γ
29		THE REQUIREMENTS OF THE MARYLAND BUILDING AND	
30		ELECTRICAL CODES WHEN IN USE. WHEN BATTERIES ARE NO	
31		LONGER IN USE OR FUNCTIONAL THEY SHALL BE DISPOSED OF OR	
32		RECYCLED IN ACCORDANCE WITH THE LAWS AND REGULATIONS	
33		OF CHARLES COUNTY AND OTHER APPLICABLE LAWS AND	

1		REGULATIONS. BATTERY SYSTEMS SHALL BE APPROPRIATELY
2		SCREENED FROM VIEW.
3	J.	ALL OBSOLETE OR UNUSED SYSTEMS SHALL BE REMOVED WITHIN
4		TWELVE (12) MONTHS OF CESSATION OF OPERATIONS WITHOUT
5		COST TO THE COUNTY. REUSABLE COMPONENTS ARE TO BE
6		RECYCLED WHENEVER POSSIBLE.
7	K.	VIOLATIONS. SUBSEQUENT TO THE EFFECTIVE DATE OF THIS
8		ORDINANCE, IT IS UNLAWFUL FOR ANY PERSON TO CONSTRUCT,
9		INSTALL, OR OPERATE A SMALL SOLAR ENERGY SYSTEM THAT IS
10		NOT IN COMPLIANCE WITH THIS CHAPTER OR WITH ANY
11		CONDITION CONTAINED IN A BUILDING PERMIT ISSUED PURSUANT
12		TO THIS CHAPTER.
13		
14	(131) 7.07.2	00 SOLAR ENERGY SYSTEM, LARGE
15	LARGE SOL	AR ENERGY SYSTEMS ARE PERMITTED AS A SPECIAL EXCEPTION IN
16	ALL ZONES,	PROVIDED THAT THE FOLLOWING REQUIREMENTS ARE MET:
17	A.	ENERGY. THE ELECTRICITY GENERATED BY THE LARGE SOLAR
18		ENERGY SYSTEM SHALL BE SOLD-FOR-PROFIT TO A WHOLESALE
19		ELECTRICITY MARKET THROUGH A REGIONAL TRANSMISSION
20		ORGANIZATION AND AN INTER-CONNECTION WITH THE LOCAL
21		UTILITY POWER GRID AND/OR FOR DIRECT DISTRIBUTION TO A
22		NUMBER OF PROPERTIES AND CONSUMERS.
23	B.	THE CONSTRUCTION OF THE LARGE SOLAR ENERGY SYSTEM
24		SHALL BE IN ACCORDANCE WITH AN APPROVED BUILDING
25		PERMIT APPLICATION. IF THE LARGE SOLAR ENERGY SYSTEM IS
26		TO BE INTER-CONNECTED TO THE LOCAL UTILITY POWER GRID,
27		A COPY OF THE CONDITIONAL APPROVAL FROM THE LOCAL
28		UTILITY MUST BE PROVIDED PRIOR TO OR AT THE TIME OF
29		APPLICATION FOR THE REQUIRED BUILDING PERMIT.
30	C.	SETBACKS. GROUND-MOUNTED LARGE SOLAR ENERGY SYSTEMS
31		SHALL BE SETBACK A MINIMUM OF FIFTY (50) FEET FROM ANY
32		PROPERTY LINE.
33	D.	GROUND-MOUNTED LARGE SOLAR ENERGY SYSTEMS.

1	(1)	THE TOTAL HEIGHT OF THE SOLAR ENERGY SYSTEM,
2		INCLUDING ANY MOUNTS, SHALL NOT EXCEED TWENTY-
3		FIVE (25) FEET ABOVE THE GROUND WHEN ORIENTATED AT
4		MAXIMUM TILT.
5	(2)	SHALL BE MOUNTED ONTO A POLE, RACK OR SUITABLE
6		FOUNDATION, IN ACCORDANCE WITH MANUFACTURER
7		SPECIFICATIONS, IN ORDER TO ENSURE THE SAFE
8		OPERATION AND STABILITY OF THE SYSTEM. THE
9		MOUNTING STRUCTURE (FIXED OR TRACKING CAPABLE)
10		SHALL BE COMPRISED OF MATERIALS APPROVED BY THE
11		MANUFACTURER, WHICH ARE ABLE TO FULLY SUPPORT
12		THE SYSTEM COMPONENTS AND WITHSTAND ADVERSE
13		WEATHER CONDITIONS.
14	(3)	MULTIPLE MOUNTING STRUCTURES SHALL BE SPACED
15		APART AT THE DISTANCE RECOMMENDED BY THE
16		MANUFACTURER TO ENSURE SAFETY AND MAXIMUM
17		EFFICIENCY.
18	(4)	SHALL BE FULLY SCREENED FROM ADJOINING
19		PROPERTIES AND ADJACENT ROADS BY A BUFFERYARD D.
20		LOCATION OF THIS BUFFERYARD MUST TAKE SHADING
21		INTO ACCOUNT SO IT DOES NOT AFFECT THE SYSTEM'S
22		EFFICIENCY. APPROPRIATE FENCING SHALL BE PROVIDED
23		FOR SAFETY.
24	(5)	ANY GLARE GENERATED BY THE SYSTEM MUST BE
25		MITIGATED OR DIRECTED AWAY FROM AN ADJOINING
26		PROPERTY OR ADJACENT ROAD WHEN IT CREATES A
27		NUISANCE OR SAFETY HAZARD.
28	(6)	IT SHALL BE DEMONSTRATED THAT THE LARGE SOLAR
29		ENERGY SYSTEM SHALL NOT UNREASONABLY INTERFERE
30		WITH THE VIEW OF, OR FROM, SITES OF SIGNIFICANT
31		PUBLIC INTEREST SUCH AS A PUBLIC PARK, A STATE-
32		DESIGNATED SCENIC ROAD, OR HISTORIC RESOURCES.

1		(7)	ANY	ELECTRICAL WIRING USED IN THE SYSTEM SHALL BE
2			UND	ERGROUND (TRENCHED) EXCEPT WHERE WIRING IS
3			BRO	JGHT TOGETHER FOR INTER-CONNECTION TO SYSTEM
4			COM	PONENTS AND/OR THE LOCAL UTILITY POWER GRID.
5		(8)	NO C	ROUND-MOUNTED LARGE SOLAR ENERGY SYSTEMS
6			SHA	LL BE AFFIXED TO A BLOCK WALL OR FENCE.
7	E.	ROO	F-MOU	NTED LARGE SOLAR ENERGY SYSTEMS.
8		(1)	ROO	F-MOUNTED LARGE SOLAR ENERGY SYSTEMS SHALL
9			INCL	UDE INTEGRATED SOLAR SHINGLES, TILES, OR PANELS
10			AS T	HE SURFACE LAYER OF THE ROOF STRUCTURE WITH NO
11			ADD	TIONAL APPARENT CHANGE IN RELIEF OR PROJECTION
12			(THE	PREFERRED INSTALLATION), OR SEPARATE FLUSH OR
13			FRAN	ME-MOUNTED SOLAR PANELS ATTACHED TO THE ROOF
14			SURI	FACE.
15		(2)	SEPA	RATE FLUSH OR FRAME-MOUNTED LARGE SOLAR
16			ENE	RGY SYSTEMS INSTALLED ON THE ROOF OF A BUILDING
17			OR S	TRUCTURE SHALL NOT:
18			(A)	PROJECT VERTICALLY ABOVE THE PEAK OF THE
19				SLOPED ROOF TO WHICH IT IS ATTACHED; OR
20			(B)	PROJECT VERTICALLY MORE THAN EIGHT (8) FEET
21				ABOVE A FLAT ROOF INSTALLATION.
22		(3)	THE	COMBINED HEIGHT OF A ROOF-MOUNTED SYSTEM AND
23			THE	PRINCIPAL STRUCTURE TO WHICH IT IS ATTACHED MAY
24			NOT	EXCEED THE MAXIMUM HEIGHT FOR THE RELATIVE
25			ZONI	E, IN WHICH IT IS LOCATED, AS DESCRIBED IN ARTICLE
26			VI.	
27		(4)	IT SF	IALL BE DEMONSTRATED THAT THE PLACEMENT OF
28			THE	SYSTEM SHALL NOT ADVERSELY EFFECT SAFE ACCESS
29			ТОТ	HE ROOF, PATHWAYS TO SPECIFIC AREAS OF THE
30			ROO	F, AND SAFE EGRESS FROM THE ROOF.
31		(5)	ANY	GLARE GENERATED BY THE SYSTEM MUST BE
32			MITI	GATED OR DIRECTED AWAY FROM AN ADJOINING

1		PROPERTY OR ADJACENT ROAD, WHEN IT CREATES A
2		NUISANCE OR SAFETY HAZARD.
3	F.	APPEARANCE.
4		(1) APPEARANCE, COLOR, AND FINISH. THE LARGE SOLAR
5		ENERGY SYSTEM SHALL REMAIN PAINTED OR FINISHED IN
6		THE COLOR OR FINISH WHICH WAS ORIGINALLY APPLIED BY
7		THE MANUFACTURER.
8		(2) ALL SIGNS, OTHER THAN THE MANUFACTURER'S, OR
9		INSTALLER'S IDENTIFICATION, APPROPRIATE WARNING
10		SIGNS, OR OWNER IDENTIFICATION ON A LARGE SOLAR
11		ENERGY SYSTEM SHALL BE PROHIBITED. NOT MORE THAN
12		TWO (2) MANUFACTURER LABEL BONDED TO OR PAINTED
13		UPON THE SOLAR ENERGY SYSTEM SHALL BE PERMITTED.
14	G.	CODE COMPLIANCE. A LARGE SOLAR ENERGY SYSTEM SHALL
15		COMPLY WITH ALL APPLICABLE CONSTRUCTION AND
16		ELECTRICAL CODES.
17	H.	UTILITY NOTIFICATION AND INTER-CONNECTION. LARGE SOLAR
18		ENERGY SYSTEMS THAT CONNECT TO THE ELECTRIC UTILITY POWER
19		GRID SHALL COMPLY WITH ALL UTILITY NOTIFICATION REQUIREMENTS.
20		A COPY OF THE SIGNED CERTIFICATE OF COMPLETION FROM THE
21		ELECTRIC UTILITY WILL BE REQUIRED PRIOR TO ISSUANCE OF THE USE
22		AND OCCUPANCY PERMIT FOR THE SYSTEM.
23	I.	WHEN BATTERIES ARE INCLUDED AS PART OF THE LARGE SOLAR
24		ENERGY SYSTEM THEY MUST BE PLACED IN A SECURE CONTAINER
25		OR ENCLOSURE, PER MANUFACTURER SPECIFICATIONS, AND MEET
26		THE REQUIREMENTS OF THE MARYLAND BUILDING AND
27		ELECTRICAL CODES WHEN IN USE. WHEN BATTERIES ARE NO
28		LONGER IN USE OR FUNCTIONAL THEY SHALL BE DISPOSED OF OR
29		RECYCLED IN ACCORDANCE WITH THE LAWS AND REGULATIONS
30		OF CHARLES COUNTY AND OTHER APPLICABLE LAWS AND
31		REGULATIONS. BATTERY SYSTEMS SHALL BE APPROPRIATELY
32		SCREENED FROM VIEW. SPECIALTY- BUILT BUILDINGS FOR
33		BATTERY STORAGE ARE PERMITTED FOR LARGE PROJECTS.

1	J.	ALL OBSOLETE OR UNUSED SYSTEMS SHALL BE REMOVED
2		WITHIN TWELVE (12) MONTHS OF CESSATION OF OPERATIONS
3		WITHOUT COST TO THE COUNTY. REUSABLE COMPONENTS ARE
4		TO BE RECYCLED WHENEVER POSSIBLE.
5	K.	VIOLATIONS. SUBSEQUENT TO THE EFFECTIVE DATE OF THIS
6		ORDINANCE, IT IS UNLAWFUL FOR ANY PERSON TO CONSTRUCT,
7		INSTALL, OR OPERATE A LARGE SOLAR ENERGY SYSTEM THAT IS
8		NOT IN COMPLIANCE WITH THIS CHAPTER OR WITH ANY
9		CONDITION CONTAINED IN A BUILDING PERMIT ISSUED PURSUANT
10		TO THIS CHAPTER.
11	L.	EACH APPLICATION SHALL COMPLY WITH THE REQUIREMENTS OF
12		NATURAL RESOURCES ARTICLE §8-1808.1, COMAR TITLE 27, AND THE
13		CHARLES COUNTY CRITICAL AREA PROGRAM. A GROWTH
14		ALLOCATION MAY BE REQUIRED FOR PROJECTS LOCATED WITHIN
15		THE RESOURCE CONSERVATION ZONE.
16		
17	(132) 7.07.3	000 WIND ENERGY SYSTEM, SMALL
18	A SMALL W	IND ENERGY SYSTEM SHALL BE PERMITTED WITH CONDITIONS IN
19	ALL ZONES	, AS AN ACCESSORY USE TO A RESIDENTIALLY OR COMMERCIALLY
20	DEVELOPE	D PROPERTY, PROVIDED THAT THE FOLLOWING REQUIREMENTS ARE
21	MET:	
22	A.	THE ELECTRICITY GENERATED BY THE SMALL WIND ENERGY SYSTEM
23		SHALL BE USED FOR DIRECT CONSUMPTION ON THE SUBJECT
24		PROPERTY AND/OR FOR INTER-CONNECTION TO THE ELECTRIC
25		POWER GRID TO OFF-SET ENERGY ON THE SUBJECT PROPERTY, IN
26		ACCORDANCE WITH CURRENT STATE NET-METERING LAWS.
27	В.	THE CONSTRUCTION OF THE SMALL WIND ENERGY SYSTEM
28		SHALL BE IN ACCORDANCE WITH AN APPROVED BUILDING
29		PERMIT APPLICATION. IF THE SMALL WIND ENERGY SYSTEM IS
30		TO BE INTER-CONNECTED TO THE LOCAL UTILITY GRID, A COPY
31		OF THE CONDITIONAL APPROVAL FROM THE LOCAL UTILITY MUST
32		BE PROVIDED PRIOR TO OR AT THE TIME OF APPLICATION FOR THE
33		REQUIRED BUILDING PERMIT.

1	C.	SET	BACKS	5.
2		(1)	A W	ND TOWER FOR A SMALL WIND ENERGY SYSTEM
3			SHA	LL BE SET BACK A DISTANCE EQUAL TO ITS TOTAL
4			TIP F	HEIGHT (THE DISTANCE FROM THE BASE OF THE
5			STRU	JCTURE TO THE HIGHEST POINT OF THE ROTOR) PLUS
6			FIVE	(5) FEET FROM:
7			(A)	ANY STATE OR COUNTY RIGHT-OF-WAY OR THE
8				NEAREST EDGE OF A STATE OR COUNTY ROADWAY,
9				WHICHEVER IS CLOSER;
10			(B)	ANY SHARED RIGHT OF INGRESS OR EGRESS ON THE
11				OWNER'S PROPERTY;
12			(C)	ANY OVERHEAD UTILITY LINES;
13			(D)	ALL PROPERTY LINES; AND
14			(E)	ANY EXISTING GUY WIRE OR ANCHOR ON THE
15				PROPERTY.
16		(2)	GUY	WIRE ANCHORS SHALL NOT EXTEND CLOSER THAN
17			TEN	(10) FEET FROM ANY PROPERTY LINE.
18		(3)	FOR	ROOF-MOUNTED SYSTEMS, THE MINIMUM REQUIRED
19			SETE	BACKS FOR THE STRUCTURE TO EACH APPLICABLE
20			PRO	PERTY LINE, AS MEASURED FROM THE BASE OF THE
21			MOU	INTED WIND ENERGY STRUCTURE, SHALL BE THE
22			MINI	MUM SETBACK REQUIRED FOR AN ACCESSORY
23			STRU	JCTURE PLUS FIFTEEN (15) FEET. NO ROOF-MOUNTED
24			SMA	LL WIND ENERGY SYSTEM SHALL BE PERMITTED ON A
25			DUP	LEX, TOWNHOUSE, OR MULTI-FAMILY RESIDENTIAL
26			STRU	JCTURE.
27	D.	THE	EXPO	SED BLADE TIP OF ANY GROUND-MOUNTED WIND
28		TUR	BINE S	HALL, AT ITS LOWEST POINT, HAVE GROUND CLEARANCE
29		OF N	O LES	S THAN FIFTEEN (15) FEET, AS MEASURED AT THE LOWEST
30		POIN	T OF T	THE ARC OF THE EXPOSED BLADES. THE EXPOSED BLADE
31		TIP (OF ANY	ROOF-MOUNTED WIND TURBINE SHALL, AT ITS LOWEST
32				VE CLEARANCE OF NO LESS THAN EIGHT (8) FEET ABOVE
33			,	OF THE STRUCTURE. FOR WIND TURBINES WITHOUT

1		EXPO	OSED BLADES, THE GROUND CLEARANCE SHALL BE AS
2		DETI	ERMINED APPROPRIATE BY THE MANUFACTURER.
3	E.	THE	COMBINED HEIGHT OF A ROOF-MOUNTED SYSTEM AND THE
4		PRIN	CIPAL STRUCTURE TO WHICH IT IS ATTACHED MAY NOT
5		EXC	EED THE MAXIMUM HEIGHT FOR THE RELATIVE ZONE AS
6		DESC	CRIBED IN ARTICLE VI. THE COMBINED HEIGHT SHALL NOT
7		EXC	EED THE MAXIMUM HEIGHT BY MORE THAN FIVE (5) FEET IN
8		COM	IMERCIAL AND INDUSTRIAL ZONES.
9	F.	ACC	ESS.
10		(1)	ALL GROUND MOUNTED ELECTRICAL AND CONTROL
11			EQUIPMENT SHALL BE LABELED AND SECURED TO
12			PREVENT UNAUTHORIZED ACCESS.
13		(2)	THE TOWER SHALL BE DESIGNED AND INSTALLED SO AS TO
14			NOT PROVIDE STEP BOLTS OR A LADDER READILY
15			ACCESSIBLE TO THE PUBLIC FOR A MINIMUM HEIGHT OF
16			TEN (10) FEET ABOVE THE GROUND.
17	G.	ELEC	CTRICAL WIRES. ELECTRICAL CONTROLS AND CONTROL
18		WIRI	ING AND POWER-LINES SHALL BE WIRELESS OR
19		UND	ERGROUND EXCEPT WHERE SMALL WIND ENERGY SYSTEM
20		WIRI	ING IS BROUGHT TOGETHER FOR INTER-CONNECTION TO THE
21		TRA	NSMISSION OR DISTRIBUTION NETWORK, ADJACENT TO THAT
22		NET	WORK.
23	H.	LIGI	HTING AND APPEARANCE.
24		(1)	A WIND TOWER AND GENERATOR SHALL NOT BE
25			ARTIFICIALLY LIGHTED UNLESS SUCH LIGHTING IS
26			REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION
27			(FAA) OR OTHER APPLICABLE AUTHORITY.
28		(2)	APPEARANCE, COLOR, AND FINISH. THE WIND GENERATOR
29			AND WIND TOWER SHALL REMAIN PAINTED OR FINISHED
30			THE COLOR OR FINISH WHICH WAS ORIGINALLY APPLIED
31			BY THE MANUFACTURER.
32		(3)	ALL SIGNS, OTHER THAN THE MANUFACTURER'S OR
33			INSTALLER'S IDENTIFICATION, APPROPRIATE WARNING

1		SIGNS, OR OWNER IDENTIFICATION ON A WIND
2		GENERATOR, WIND TOWER, BUILDING, OR OTHER
3		STRUCTURE ASSOCIATED WITH A SMALL WIND ENERGY
4		SYSTEM SHALL BE PROHIBITED. NOT MORE THAN TWO (2)
5		MANUFACTURER LABEL BONDED TO OR PAINTED UPON
6		THE SMALL WIND ENERGY SYSTEM SHALL BE PERMITTED.
7	I.	CODE COMPLIANCE.
8		(1) A SMALL WIND ENERGY SYSTEM, INCLUDING WIND
9		TOWER, SHALL COMPLY WITH ALL APPLICABLE BUILDING
10		AND ELECTRICAL CODES.
11		(2) A SMALL WIND ENERGY SYSTEM MUST COMPLY WITH
12		REGULATIONS OF THE FEDERAL AVIATION
13		ADMINISTRATION (FAA), IF APPLICABLE, INCLUDING ANY
14		NECESSARY APPROVALS FOR INSTALLATIONS CLOSE TO
15		AIRPORTS.
16	J.	ALL SUPPORTING TOWERS FOR A SMALL WIND ENERGY DEVICE
17		SHALL BE SPECIFICALLY ENGINEERED TO SUPPORT A WIND
18		TURBINE. THE USE OR MODIFICATION OF A SUPPORTING TOWER
19		ORIGINALLY DESIGNED FOR A TELECOMMUNICATION ANTENNA
20		AS A SUPPORTING TOWER FOR A SMALL WIND ENERGY SYSTEM
21		SHALL BE PERMITTED. SUPPORTING TOWERS CONSTRUCTED OF
22		ALUMINUM SHALL BE PROHIBITED. COORDINATION WITH THE
23		OWNER OF THE TOWER SHALL BE REQUIRED TO PREVENT ANY
24		INTERFERENCE WITH EXISTING EQUIPMENT ON THE TOWER.
25	K.	IT SHALL BE DEMONSTRATED THAT THE SMALL WIND ENERGY
26		SYSTEM SHALL NOT UNREASONABLY INTERFERE WITH THE VIEW
27		OF, OR FROM, SITES OF SIGNIFICANT PUBLIC INTEREST SUCH AS A
28		PUBLIC PARK, A STATE-DESIGNATED SCENIC ROAD, OR HISTORIC
29		RESOURCES.
30	L.	A SMALL WIND ENERGY SYSTEM SHALL COMPLY WITH THE NOISI
31		LIMITATIONS CONTAINED IN THE CODE OF CHARLES COUNTY,
32		CHAPTER 260, NOISE CONTROL; HOWEVER, THE NOISE LIMITATIONS
33		MAY BE EXCEEDED DURING SHORT-TERM EVENTS SUCH AS UTILITY

1		OUTAGES AND/OR SEVERE WINDSTORMS. COMPLIANCE WITH
2		CHAPTER 260 SHALL BE DEMONSTRATED WITH EITHER SOUND
3		PRESSURE LEVELS PROVIDED BY THE MANUFACTURER OR NOISE
4		CONTOURS PREPARED BY A LICENSED ENGINEER OR A QUAILFIED
5		PROFESSIONAL NOISE ANALYST.
6	M.	UTILITY NOTIFICATION AND INTER-CONNECTION. SMALL WIND
7		ENERGY SYSTEMS THAT CONNECT TO THE ELECTRIC UTILITY
8		POWER GRID SHALL COMPLY WITH ALL UTILITY NOTIFICATION
9		REQUIREMENTS. A COPY OF THE SIGNED CERTIFICATE OF
10		COMPLETION FROM THE ELECTRIC UTILITY WILL BE REQUIRED
11		PRIOR TO ISSUANCE OF THE USE AND OCCUPANCY PERMIT FOR
12		THE SYSTEM.
13	N.	ALL OBSOLETE OR UNUSED FACILITIES SHALL BE REMOVED
14		WITHIN TWELVE (12) MONTHS OF CESSATION OF OPERATIONS
15		WITHOUT COST TO THE COUNTY. REUSABLE COMPONENTS ARE
16		TO BE RECYCLED WHENEVER POSSIBLE.
17	O.	VIOLATIONS. SUBSEQUENT TO THE EFFECTIVE DATE OF THIS
18		ORDINANCE, IT IS UNLAWFUL FOR ANY PERSON TO CONSTRUCT,
19		INSTALL, OR OPERATE A SMALL WIND ENERGY SYSTEM THAT IS
20		NOT IN COMPLIANCE WITH THIS CHAPTER OR WITH ANY
21		CONDITION CONTAINED IN A BUILDING PERMIT ISSUED PURSUANT
22		TO THIS CHAPTER.
23	P.	VARIANCES. FOR VARIANCES TO THE STANDARDS CONTAINED
24		HEREIN, THE BOARD OF APPEALS MAY REQUIRE WIND SPEED
25		MEASUREMENTS, SOUND PRESSURE LEVEL MEASUREMENTS,
26		SIGNED EASEMENTS FROM ADJACENT PROPERTY OWNERS, OR
27		ANY OTHER INFORMATION DEEMED NECESSARY BY THE BOARD.
28		WHEN REQUIRED, WEIGHTED SOUND NOISE PRESSURE LEVELS
29		SHALL BE MEASURED WITH A C-WEIGHTED FILTER.
30		
31		
32		
33		

1	(133) 7.07.400 WIND ENERGY SYSTEM, LARGE			
2	LARGE WIND ENERGY SYSTEMS ARE PERMITTED AS A SPECIAL EXCEPTION IN			
3	ALL ZONES SUBJECT TO THE SAME CONDITIONS AS SPECIFIED IN USE 7.07.300,			
4	ITEMS BP.; AS WELL AS:			
5	A.	ENERGY. THE ELECTRICITY GENERATED BY THE LARGE WIND		
6		ENERGY SYSTEM SHALL BE USED FOR DIRECT CONSUMPTION ON		
7		THE SUBJECT PROPERTY, INTER-CONNECTION TO THE ELECTRIC		
8		UTILITY POWER GRID TO OFF-SET ENERGY USE ON THE SUBJECT		
9	PROPERTY, SOLD-FOR-PROFIT TO A WHOLESALE ELECTRICITY			
10	MARKET THROUGH A REGIONAL TRANSMISSION ORGANIZATION			
11		AND AN INTER-CONNECTION WITH THE LOCAL UTILITY POWER		
12		GRID, AND/OR FOR DIRECT DISTRIBUTION TO A NUMBER OF		
13		PROPERTIES AND CONSUMERS.		
14		(1) THE TOTAL HEIGHT OF THE LARGE WIND ENERGY SYSTEM		
15		SHALL NOT EXCEED ONE HUNDRED FIFTY (150) FEET.		
16		(2) INSURANCE. PROOF OF THE APPLICANT'S PUBLIC		
17		LIABILITY INSURANCE IS REQUIRED PRIOR TO ISSUANCE		
18		OF THE USE AND OCCUPANCY PERMIT FOR THE SYSTEM.		
19	B.	EACH APPLICATION SHALL COMPLY WITH THE REQUIREMENTS OF b		
20		NATURAL RESOURCES ARTICLE §8-1808.1, COMAR TITLE 27, AND THE		
21		CHARLES COUNTY CRITICAL AREA PROGRAM. A GROWTH		
22		ALLOCATION MAY BE REQUIRED FOR PROJECTS LOCATED WITHIN		
23		THE RESOURCE CONSERVATION ZONE.		
24				
25	SECTION 2.	BE IT FURTHER ENACTED, that Figure IV-1, The Table of Permissible Uses,		
26	attached hereto is made apart hereof.			
27	SECTION 3. BE IT FURTHER ENACTED, that this act shall take effect forty-five (45)			
28	calendar days after it becomes law.			
29				
30				
31				
32				
33				

	ADOPTED this	day of, 2014.
		COUNTY COMMISSIONERS
		CHARLES COUNTY, MARYLAND
		Candice Quinn Kelly, President
		Reuben B. Collins, II, Esq., Vice President
		Van Dahinaan
		Ken Robinson
		Debra M. Davis, Esq.
		, 1
		Bobby Rucci
ATTEST:		
Denise Fer	guson, Clerk to the Commi	issioners